THE CONGO STATE

is NOT

A SLAVE STATE

A reply to Mr. E. D. Morel's pamphlet
entitled "THE CONGO SLAVE STATE"

DEMETRIUS C. BOULGER
AUTHOR OF "THE HISTORY OF THE CONGO STATE," ETC., ETC.

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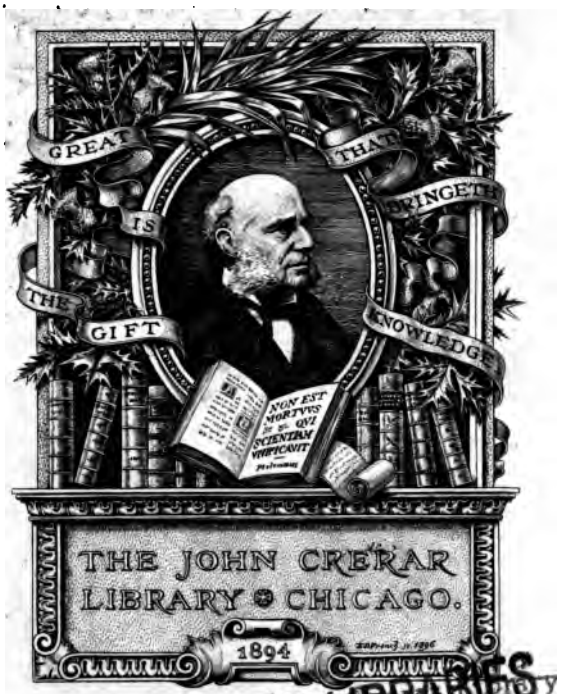

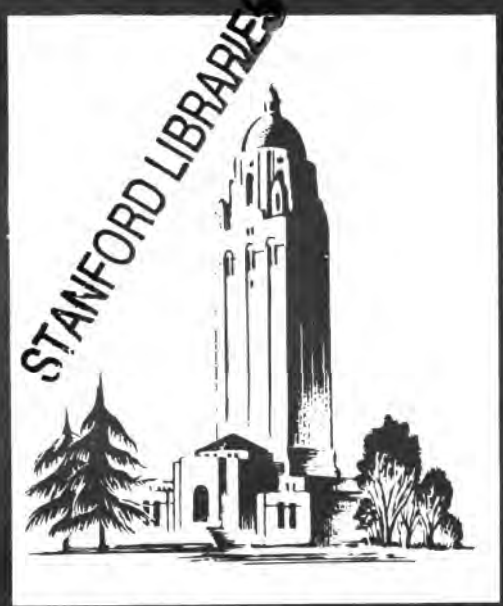

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A reply to Mr. E. D. Morel's pamphlet entitled « THE CONGO SLAVE STATE »

Mr. Edmund D. Morel is known as the pronounced and implacable enemy of the Congo Independent State. His enmity, whatever its origin, does not allow of his listening to any argument that may be advanced against his conclusions, or even of his accepting facts which are patent to every one else, and which are not contested by some of his own allies. He is, in his own estimation, superior to any reasoning that controls the judgment of ordinary men. He makes a law for himself, in which truth and evidence, and proof are treated as the puppets of his prejudice and passion.

Mr. Morel has succeeded in obtaining the support of some philanthropic friend who « defrays the cost of printing and distributing » a pamphlet entitled « The Congo Slave State » in which Mr. Morel seeks to eclipse his previous performances on the Anti-Congolese tight rope slung between a few rubber merchants of Liverpool and some humanitarians of Exeter Hall. It seems worth a little time and trouble

to show this gentleman, who being unnamed may at present be credited with the quality of disinterestedness, what he has got in return for the unknown number of pounds that he has expended on paper, print, and postage. He may be less prejudiced than his penman. Facts may have some value in his eyes. Reflection may even lead him to the conclusion that a subsidy for the propagation of false charges, based on inaccuracies, exaggerations and misquotations to use the mildest terms, is not a thing to be proud of and at the same time represents a waste of money.

The title itself—« The Congo Slave State »—is an aggression; it also implies a falsehood. It is not more true to say that there are no slaves in any of the British colonies and possessions in East Africa, for instance in Zanzibar where Sir Charles Dilke said on 10th August : « In Zanzibar we had assumed the fullest responsibility for the system of slavery which still continued to exist in that country, » a state of affairs which Mr. Balfour admitted in his reply. But to level such a charge at the Congo State is the less excusable because by the admission of every one except Mr. Morel it crushed by its own unaided efforts the Arab slave-trade in the whole extent of the Congo region. Even in the midst of his heated attack on the Congo State in the House of Commons on 20th May last, Mr. Herbert Samuel felt bound to admit that the Congo State had « suppressed the Arab slave-trade. » How can the State that put an end to the abominable slave trade, whose horrors were described by Livingstone, Junker, Schweinfurth and others,

and which had gone on unassailed for generations, be described by any fair minded man as a slave State? Mr. Morel does not weigh his words, for him they are mere mud pellets to throw at his opponent, but the public has not yet decided to substitute abuse for argument.

The writer referred to makes confident and sweeping assertions. It must suffice to reply to them with equally positive and precise statements. The Congo Independent State is not a slave State, there are no slaves therein, every man is free. When Mr. Morel adduces evidence in support of his title, it will be easy to furnish the proof to the contrary. If he wishes to qualify his charge by the addition of the word « domestic » slavery, it may be suggested that he would be wise to ascertain first on the unimpeachable authority of British consular and other reports what is being done in this very matter under the Union Jack in East Africa, and to remember that the *corvée* still exists in some form or other in almost every country of Europe. The two facts that Mr. Morel will find some difficulty in getting over in this connection are first that any labour performed by the blacks in and for the Congo State is paid for, and, secondly, that to draw up a scheme by which the black race can be made to work without pressure or compulsion in some form or other is beyond the powers of human ingenuity. If labour is adequately remunerated it cannot be termed slavery. If Mr. Morel has some golden rule for making the negroes work voluntarily, he should not keep it secret. Its application is as much needed on the West Coast of Africa, and in South Africa within the British

possessions as on the Congo, which is only to say that Mr. Morel ignores the real difficulties of the great « black and white » problem that has not even be solved in the United States. To shout « Slave State » with a loud voice may appeal to the gallery, but the assertion must be substantiated if the action of Governments is to be influenced, and when Mr. Morel leaves denunciation for demonstration he must find himself in difficulties and begin to flounder.

In the first line of Mr. Morel's pamphlet it is stated that « the Domaine Privé covers the whole of the territories » with a small exception. This statement is *not correct*. The Congo State has an area of 2,252,780 square kilometres. The Domaine Privé of the State covers 1,073,470 square kilometres, and the Domaine de la Couronne, 295,704 square kilometres. The small exception is therefore nearly a million square kilometres (883,606 sq. kil.), or in other words not much less than half the territories of the State. This preliminary warning that accuracy is not Mr. Morel's forte, given with some consideration in the first line of his attack, may set his readers on their guard.

Mr. Morel when speaking of the Domaine Privé wishes to give the reader the idea that commerce is not possible within its limits. This allegation is not true, and no statement can be clearer or more conclusive on the subject than that of Baron de Favereau in the Belgian Chamber on 2nd July last. The Minister of Foreign Affairs said :—

« Commerce on the Congo is free, and the best proof that can be brought forward is the great number of counting houses which exist there.

An honourable member said yesterday that in order to carry on trade on the Congo a concession must be obtained from the State. That is not correct, for independently of the concessionaire societies I have here a list of commercial houses which exist on the Congo, and I see that a great number among them belong to none of these societies. That is clear proof that it is not necessary to be a concessionaire of the State to carry on trade on the Congo. There are 403 commercial houses. »

Mr. Morel then cannot reconcile his assertion that « trade has been swept out of existence » on the Congo with the facts.

Having practically doubled the area of the Domaine Privé, Mr. Morel proceeds to give a highly imaginary description of the way in which the policy of developing it was put in force.

There is no need to follow Mr. Morel through the labyrinth of his own imaginings. Three plain and positive statements meet all his allegations. No land whatever has been taken from any native in possession of it either individually or collectively, « the fruits » of the forests, which means caoutchouc (rubber), were unknown to the natives, and finally all labour is paid for. The black man goes into the forest, collects the rubber, takes it to the functionary, and is paid a fair wage for the time and trouble that its harvesting or collection has cost him.

The following passages may be accepted as an authoritative description of the system on which the Domaine Privé is exploited.

« The exploitation of the Domaine is carried out in an equitable manner in every part of the State. The instructions in force expressly

order the Agents entrusted with the work of exploitation to give the natives remuneration at a rate which shall in no case be less than the equivalent price for the labour necessary for the collection of the product. The higher officials of the Government are instructed to supervise the strict application of these orders, to verify whether the rate of the remuneration in question is in proper proportion with the price of labour, and lastly to examine whether the general conditions of exploitation give rise to any justifiable cause of complaint.

» For these reasons the quantity of the product to be delivered by each village is fixed so as to represent an average of 40 hours' labour per month for each male adult.

» This manner of proceeding is, moreover, the only efficacious means of assuring the good administration of the domain, and of inspiring the native with the taste and habit of work.

» With regard to the remuneration itself, it would not be equitable to fix a uniform price per kilogramme of caoutchouc (rubber) collected and brought in by the natives. This remuneration must vary for each district or zone, according to the distance that the native has to traverse in proceeding to the forest, and in returning to his village. It must also vary with the quality of the caoutchouc (rubber), and this quality is occasionally dependent upon the care taken by the native in its preparation.

» It is incorrect to say that the native is constantly employed in collecting caoutchouc. Work is organised in each region in such a fashion that the native may devote the greater portion of his time to his own occupations, such

as fishing, the cultivation of food crops for himself and his family, etc., and also that he has not to give more than the regulation forty hours of compulsory labour per month.

» What has just been said about the native's work as regards the collection of caoutchouc (rubber)—work, moreover, always well remunerated— is equally applicable to the work that he has to furnish for the construction of routes, for the transport service, and for other tasks of public utility.

» The organisation is such that natives occupied in the exploitation of the domain are not liable for any other work such as routes, transport, etc.; while those employed on such works are not required to collect rubber.

» As to those workers who are employed in occupations at the different stations, they are all free workers who under the terms of engagement voluntarily accepted lend their services in return for an agreed upon wage, and for a specified period of time. »

Having given his version of the system in force for the exploitation of the Domain, Mr. Morel proceeds to declare that the levying of the taxes is enforced by « 20,000 cannibal troops armed with repeating rifles, and secured by forced conscription, » and also that these troops are employed in « raids upon villages. » These statements are all in their several degrees inaccurate or absolutely false. The Congo army—or Public Force as it is called, for it is really a body for the maintenance of internal order—numbers 15,000 black troops and about 450 white officers. The men are not cannibals. They are not armed with « repeating rifles. »

The statement that they are employed in « raids upon villages » is palpably absurd, because it would mean that the State was bent on destroying its own possessions, and hastening its own downfall. It has been said that the troops are *not* cannibals, but it will be better to go into that question at some length a little further on, and explain the exact origin of the story. Mr. Morel's « repeating rifle » is the single cartridge Albini. Mr. Morel must explain what he means by « forced conscription, » it is his own phrase which may serve as a pendant to the grand discovery of « undiluted rose water » made in his Introduction.

With regard to the mode of raising the Force, the conscription is the law on the Congo as in Belgium, and also in practically all the States of Continental Europe. There is nothing forced about it; it is the law, that is all. But on the Congo conscription is carried out with the greatest leniency. The decree of 30th July 1891 sets forth the existing regulations, and article 1 reads as follows: « The recruitingl of the nationa army will be by voluntary enlistment, and by annual levies. » Article 4 supplements this by enjoining : « The method by which the levy will be made shall be determined by the Commissioner for the district in agreement with the native chief. It shall take place when practicable by conscription. » But owing to the popularity of the Force, volunteers come forward in such numbers that there is practically speaking no need to have recourse to the conscription. Whereas in 1890 only 478 blacks voluntarily offered themselves for the army, the number reached 5,278 in the present year. Besides

10 per cent of the men with the colours volunteered for the further period of three years under the regulations. Finally the contingent required is very small. The force is less than 1 per thousand of the population. Yet, Mr. Morel not content with conjuring up on one page : « 20,000 cannibal troops armed with repeating rifles »—which exist only in his imagination—continues on the very next page to speak of « a huge army of mercenaries chosen from the fiercest cannibalistic tribes of the country. » We do not expect any exactitude from Mr. Morel even in words. « Conscription » on one page becomes an « army of mercenaries » on the next, but will he explain how any force composed of « the fiercest cannibalistic tribes » could continue to exist? Would they not eat one another? At least would they not eat their white officers? Such a force would indeed resemble Mr. Morel's own arguments in one particular : it would be self-destructive.

We may now examine at some length the statement that the State troops are cannibals, and it is the more necessary to make the whole question clear and plain to the general public because it is one of the principal charges advanced against the State by Sir Charles Dilke. Speaking in the House of Commons on 20th May, he said that « the Congo State had palliated but had never attempted to deny the charges made against it by Captain Hinde. » Before replying on this point it is desirable to admit that Sir Charles Dilke has spoken and written on this subject in perfectly good faith, while his exceptional grasp of all foreign questions makes him an exceedingly formidable

opponent. If he has been led into error he is a sufficiently strong man to admit it, for he is well aware that no reputation can be maintained by a wilful refusal to recognise facts, and a perverse obstinacy in putting forward the conclusions of prejudice and passion as the embodiment of truth.

The first point that may be taken up is one that must be well within Sir Charles Dilke's knowledge. He spoke of « the charges made by Captain Hinde, » but he must know that in any accepted sense of the word Captain Hinde made no charges at all.

The facts are beyond dispute. Captain Sidney Langford Hinde, a medical officer now serving at Mombasa in British East Africa, was for some years in the Congo State service, and took part in the Arab campaign of 1892-4 under Baron Dhanis. In 1897 he published a description of that campaign under the title of *The Fall of the Congo Arabs*, and in the course of his history he had to mention certain enormities committed by the Arabised negro chief Gongo Lutete, and his irregulars numbering 20,000 men of the Batetela and Bankussu tribes. These enormities were that these human monsters ate the slain on both sides, and the author passed some comment of his own on the incident to the effect that these proceedings somewhat simplified the commissariat arrangements of a difficult and dubious campaign. Captain Hinde made no charge against the Congo State authorities. He passed no censure on Baron Dhanis because he knew the exact circumstances. As a faithful historian he placed on record the facts of an incident typical of the state of society which existed in

the heart of Africa before the Congo State came into existence, and which it was specially charged to change and reform, and which as a matter of fact it has changed and reformed.

All these stories of cannibal troops are based on this incident of the year 1893, or, as Sir Charles Dilke inaccurately puts it, on « the charges made by Captain Hinde, » which were no « charges » at all.

The following is a full and impartial description of the essential facts.

The campaign against the Arabs commenced in April 1892 with operations on the Sankuru against their negro ally Gongo Lutete. In that and the ensuing month Baron Dhanis defeated his forces on three separate occasions. Gongo Lutete then made his submission, recognised the authority of the State, and promised to provide a contingent for the final operations against the Arabs of Nyangwe and Kassongo. As a matter of fact Gongo provided a contingent of 20,000 men, and it may be observed parenthetically that Captain Hinde gives in his book a striking and not unfavourable picture of this chieftain. In the campaign that followed Gongo's irregulars played a certain part, and by their numbers sometimes succeeded in giving a more complete effect to the success obtained by the regulars. On the other hand they were cannibals, and undoubtedly they ate the slain. The statements of Captain Hinde refer exclusively to Gongo's tribe. There were no cannibals in the State forces under the command of Belgian officers. This will be the more readily believed when it is added that these forces were composed of Haussas and other coast natives—the Decree of

July 1891 for the raising of a national Congolese army not having at that moment produced any definite result. An Englishman will hesitate before applying the term cannibal to the brave Haussas who form the backbone of our own West India regiments.

The question what Baron Dhanis should have done on discovering that the commissariat of his black allies was simplified by the practice of anthropophagy has often been discussed. It is quite easy for the armchair critic to say offhand that he should have dismissed Gongo Lutete, and continued the campaign alone. Had he done so he would probably have signed at the same time the death warrant of himself and his column—a glorious death no doubt if any one had survived to give us the particulars of the affair, and to lay bare the motives that had inspired the Belgian commander. But on the other hand the Arabs would have remained masters of the position, and the slave trade would have enjoyed a fresh and further lease.

Baron Dhanis took the practical course. He ignored, *if he knew,* the facts recorded by his friend and comrade Captain Hinde, and he pressed the Arabs hard until he crushed their power for ill once and for all at Kassongo. I say if Baron Dhanis knew, for it has never been shown that he was aware *at the time* of the proceedings of Gongo Lutete, whose forces were kept at a certain distance from those of the State. When the campaign was over the Batetela contingent was dismissed to its homes, and disgust at his excesses was one of the chief reasons that led the Belgians to shoot Gongo Lutete. Another chief was shot for acts of can-

nibalism by the express orders of Baron Dhanis, and under very difficult circumstances the Belgians did everything in their power not merely to show their abhorrence of the practice, but also to wean the natives from it.

The facts being exactly as has been stated, the question may fairly be asked : how can Sir Charles Dilke get up in the House of Commons, and declare that the charges made against the Congo State by Captain Hinde have never been denied? Captain Hinde made no « charges, » and the facts to which he testified were as has been set forth. He is still living and his evidence can be invoked.

The incident of the cannibal irregulars of Gongo Lutete in the campaign against the Arabs of 1892-93 had a sequel. The assailants of the Congo State never refer to it because it records the sufferings and losses of the Belgians. But it cannot be ignored by any lover of truth seeing that it provides the evidence of the consistent and unvarying State policy with regard to cannibalism, which is the clear refutation of Mr. Morel's romances about « cannibal troops armed with repeating rifles. »

After the execution of Gongo Lutete the State in its desire to create a national Congolese army invited some of his tribesmen to enlist in the Public Force, and several hundred of his bodyguard volunteered, and were stationed at Luluabourg. After two years they mutinied, murdering some of their officers, killing others in fight, and of course eating them all. After a few months' pursuit the Belgians succeeded in breaking up this force. This was the precursor of a more serious affair. While Gongo's body-

guard represented the garrison of Luluabourg, Baron Dhanis had raised a still larger corps from the same Batetela and Bankussu tribes. This contingent was not less than 1,500 strong. It also mutinied in February 1897 while marching towards the Nile. Many Belgian officers were murdered or killed in action, all of whom with many loyal troops were eaten subsequently. The Batetela mutineers continued to disturb the eastern districts of the State until they were finally crushed at the end of the year 1900. But it would be impossible to state with any degree of precision the number of Belgian officers, loyal soldiers, and peaceful tribes who provided the resources of their commissariat during these years. Yet no English politician has uttered a word of sympathy at the dolorous tale and some have even turned it to account as evidence of cannibalism among the State troops!

By the Congo State code the penalty for cannibalism or anthropophagy is death without reprieve. The soldier found guilty of the act is shot out of hand. For this reason there are no cannibals in the Congo State army. Mr. Morel's « cannibal troops armed with repeating rifles » is a figment of his imagination. It is more than that, for it is a wicked and baseless slander.

With regard to the question of mutilation by some of the native soldiers of the State, the practice is unhappily prevalent in Africa but the Congo authorities have done everything possible to put down the evil, and have imposed the severest penalties. A decree of 18th September 1896 ordered that a penalty of from two months to two years coupled with a fine

of between 25 and 500 francs should be inflicted on any person guilty of mutilating even the corpse of a human being. Notwithstanding these penalties and the stringent orders given to the officers to put down the practice it is not denied that some of the soldiers, especially the younger ones recently taken from their tribal homes, have committed such excesses. The idea at the root of the operation is that the men wish to furnish some proof of military prowess, and the custom may be regarded as identical with that of the Red Indians of North America in scalping their fallen foes. The Congo authorities have done, and are doing their utmost to put an end to the evil. The penalties have been increased, the responsibility of the white officers made greater and more direct, while it is not sufficiently realised by those who read Mr. Morel's pages, which have been prepared with a special eye to effect, that the cases he or his witnesses cite occurred years ago. On page 31 for instance a Baptist missionary writing in May 1902 speaks of a photograph taken « three or four years after the hands were cut off, » that is to say in 1898 or 1899. Who is to give the true history of the affair after that lapse of time?

There can be no doubt as to what the Congo Code says on the subject, and the penalties it enjoins have been inflicted in every proved case. A measure of a simple practical description that has recently been carried out will do as much as anything to put an end to the practice. Until a short time ago posts of native soldiers were fixed at frequent intervals, and as they were not under the immediate control of white

officers they undoubtedly abused their power which arose from the possession of an Albini rifle and a certain number of cartridges. This is what the assailants of the Congo State call the « sentry system. » This system of splitting up the Force in small bodies without any immediate supervision by white officers has been gradually abandoned during the last twelve months, and it is now true to say that all the black troops are concentrated in posts where they are under the immediate control of one or more white officers who are held personally responsible for the proceedings of their men.

We may now turn to the second category of the charges advanced by Mr. Morel against the Congo State. Those dealt with so far come under the heading of offences against humanity. We claim to have shown that they are baseless. Where cannibalism was practised by blacks who might be considered as either directly or indirectly subject to or representative of the State, the cases were those of the levies of the independent chief Gongo, and of the Batetela mutineers whose victims were Belgians and the allies of Belgians. Where mutilation was perpetrated it was due to the natural instincts and the inherited customs of negro tribesmen wearing the State livery it is true, but still holding to the practices of barbarism. These acts whenever brought to the knowledge of the higher authorities on the Congo have always been punished. The penalties have been increased, and arrangements have now been made to prevent the recurrence of the offence. The calm and unprejudiced mind will realise at once that all these incidents were the natural and inevi-

table concomitants of the evolution of Africa. Cannibalism, mutilation, the proof by poison, all the horrors of fetishism in fact, were the evils of the Black Continent which the signatories of the Berlin Act bound themselves to cure, and which none of them has done so much to cure as the Congo State to which Mr. Morel, wilfully closing his eyes to the light of truth, gives so bad a name.

The second category of charges is in reality less serious. They do not ask the reader to subscribe to the proposition that the Belgians are a nation of brutes, and that their representatives on the Congo are monsters. They merely represent that an exacting policy in the exploitation of Central Africa has been pursued with the view of self-benefit, and when it is borne in mind that Mr. Fox Bourne and the Aborigines Protection Society have made precisely the same charges against Englishmen in the Transvaal and Rhodesia, nine tenths of even the English reading public will not be much stirred by these charges against the Congo State. Clear the Congo State on the charges of inhumanity, and the rest of Mr. Morel's edifice of alleged misdeeds will crumble to its base.

Mr. Morel's minor charges, as we term them, are thus set forth :—

(1) That the financial existence of the Congo State is based upon the acquirement of vast quantities of rubber and ivory which it disposes of in the Antwerp market.

(2) That this rubber is acquired from the natives by extortion, compulsion, and the institution of slavery on a colossal scale.

To support the first charge he gives a table of

the amounts of ivory and rubber sold by the State on the Antwerp market in a period of years. He calls these items « withheld from public knowledge, » but he takes them from a Belgian book published five years ago! They were consequently public property. Even here Mr. Morel's habitual inaccuracy clings to him. He gives the figures for six years and they are very incorrect and of course grossly exaggerated. For instance he gives the sales for the year 1895 at 5,500,000 francs whereas the true total was only 1,892,316 francs or one third of his.

Will Mr. Morel explain in his next pamphlet, for it is quite certain that he will have to write a great many more pamphlets before he finds the Congo State *in articulo mortis*, why it is so very wrong for the Congo State to sell its rubber and ivory in Europe seeing that the Government of India does precisely the same thing with its opium in China? At the same time he might give his readers the benefit of his opinion as to the justice of the sale of its minerals by the Duchy of Cornwall or the collection of the rents on Crown leases. The « financial existence » of those institutions is not less due to the sale of their products than is that of the Congo State to the disposal of its rubber.

To come to the second point—« the acquisition of the rubber from the natives by extortion, compulsion and the institution of slavery on a colossal scale. »

In this connection Mr. Morel makes an interesting confession on page 22. He writes. « Some few months ago a Belgian officer who had been employed in the particular territory, and who had come to loggerheads with the

Congo State authorities wrote to the author offering his memoirs bearing particularly upon the rubber collecting system in vogue therein which he described in lurid terms. »

And Mr. Morel who has been collecting documents for years on Congo affairs, and who assures his readers that he possesses this and that original piece of evidence or letter, did not avail himself of this attractive offer with all its lurid details! We cannot help wondering why Mr. Morel declined to purchase. In any case it could not possibly have been less valuable than the evidence of the Greek Mr. Socrates Halkiopoulos which has been recently given to the world by the *Daily News* as something important. This person was for a few months in the service of the Congo State. He also wrote favourable articles on the State for certain Greek papers, while serving on the Congo although he has now turned round and declares that he saw horrible things there with his own eyes, that is to say at the very moment that he was singing the State's praises. Later on in a letter dated 23rd February 1901 he offered his services to the State in several capacities after his engagement on the Congo itself had terminated. These offers were rejected, and the next that was heard of him was in Cairo at the commencement of the present year where he was inviting subscriptions for a book on the Congo, which in this instance was to be an attack and not an eulogy. His stay in the Congo State covered altogether a period of 8 months, but he was only 7 weeks in the Aruwimi district, and he was ill for the greater part of his residence with dysentery for which he was invalided

home. It would be hard to imagine a less competent or convincing witness on any subject connected with the Congo.

The reply to the charge of extortion, compulsion, and slave-driving has already been given in the account of the way in which the Domain is put under exploitation. No extortion whatever is practised; the compulsion is the legitimate pressure that has to be brought to bear on the negro in British as well as Congolese Africa to make him do any work at all; and as for « the institution of slavery on a colossal scale » it is most charitable to Mr. Morel to assume that he was suffering from nightmare when he wrote the sentence. In this connection Mr. Morel gives publicity to several romances. On page 62 it is written : « The houses are built upon what is practically an island raised from the swamp by the unremitting and unrecompensed labour of hundreds of native women who are forced by the Company's agents to perform this work in spite of their pitiful appeals to be allowed time to attend to their own work as many were starving through being forced to neglect it. » This is a charge against the Mongalla Company and not the State, but the question will at once suggest itself how could « starving » women continue to work building houses?

On the next page the same witness gives a still more startling and incredible story about the same Company. He states that « for several years the Company aided and encouraged by the State had instituted one continuous carnival of massacre and oppression. One of its oldest agents, to whom I suggested that fully ten thousand natives had been done to death in one

way or another in the Mongalla country laughingly told me that double that number would be nearer the mark! » The name of this agent is not given, nor is there any fact mentioned which would provide the least clue to his identity, the period of the occurrences alleged, or any other material circumstance that would allow of the statement made being examined and verified. Why does not Mr. Morel's witness give the name of the man or monster who could « laughingly » refer to so ghastly a transaction? In no country of the world would the law of slander put him in peril for giving up the name provided the words were really used. Does he refrain from doing so because the remark was never made, and because he merely invented it to add a patch of striking colour to his general picture?

There is a great deal said about the reduction of the population. In one part it is asserted that the population has been reduced by one half. In another place « towns » have disappeared. Finally a French traveller is introduced for the purpose of testifying that the natives prefer the French side of the Ubangi and Mbomu to the Belgian.

It may, as a general statement, be affirmed that the State authorities have no information that would lead them to think that there has been any decline in the population. But as no census has yet been possible there is no evidence to offer. With regard to « towns » disappearing the blacks never possessed any towns. Their large villages or collections of huts were intended especially to meet the requirements of a semi-migratory existence. They were broken

up and disappeared under the pressure of need or through some mood of superstition. Disappearance does not mean destruction as Mr. Morel implies, but merely displacement and removal. With regard to M. Berthier's statement as to the natives crossing the rivers separating French and Congolese Africa, there is nothing remarkable in the occurrence. It is a common incident on all riverain frontiers. The Niam Niam and the Shillooks are doing precisely the same thing on the Mbomu, and the Upper Nile between the British and Congolese spheres.

Lest the general reader should be inclined to attach more importance to the statement of M. Berthier than is warranted, the following news received by the French newspapers from the very region he referred to will show that there has lately been a marked decline in the population in the French Congo.

« A critical situation exists on the route to Tchad. As is well known the transport service is made by steamboat from Brazzaville to Bangui, and from the latter place to the Tomi, an affluent of the Kemo which itself flows into the Ubangi, the service is performed by boats. Finally from Tomi to Fort Crampel—a distance of 125 miles—the transport is effected on men's backs. At the present moment however not a single village is to be found in this region. They have all disappeared and the region is quite deserted. »

Perhaps this occurrence will show the reader that there is nothing abnormal in Central Africa in the passage of natives from one bank of a river to the other, or even in the disappearance of villages.

In support of his allegation about the decline of population Mr. Morel brings in at different points specious observations suggesting that there has been a decline or deterioration in the efficacy of the Government since the Congo State came into existence. The following are specimens of this kind of insinuation.

« The native Government was infinitely better than the present, for then there was far more security for native life and property. »

« I believe that since the country has been given over to the State, the natives are worse off then they were before. They used to be able to go about and trade. »

Such comparisons as these cannot possibly be made for the simple reason that, prior to the discoveries of Stanley which played the chief part in the founding of the State between 1876 and 1883, nothing whatever was known of the black races of the Congo valley above Vivi or the Cataracts, of their Government, or the security they enjoyed. What was known related to the terrors of the Arab slave trade, the universal prevalence of cannibalism, and the unrestricted tyrannies of the fetish doctor. To attempt to establish a comparison where none is possible is merely to reveal the malice of the writer, and to cast a just and well merited suspicion on every statement emanating from the same quarter. The valley of the Congo before King Leopold took up the question of civilising and pacifying it was absolutely *terra incognita*. No one can know anything upon the subject, and as the blacks have no records no one will ever know anything about it. The spurious comparisons of Mr. Morel and his

witnesses can therefore have no value in the eyes of serious men.

There are sundry accusations scattered about Mr. Morel's pages as to what is done with the revenues from the Domaine Privé, and the Domaine de la Couronne. The reply to these insinuations was given by the Belgian Premier, Count de Smet de Naeyer, in the Brussels Chamber. It must be remembered that he spoke with a full sense of responsibility for the truth of the statements he then made.

« For those who are not acquainted with State institutions private domain seems to denote personal domain, an individual's domain. This idea is completely false. There is no nation that does not have its private domain. What is essential to note is that *the revenues of the private domain are passed in their integrity through the State Budget.* »

That is the official answer on the subject of the Domaine Privé, or Private Domain.

With regard to the stock and share portfolio « the revenue of this part of the public patrimony, as well as that of the private domain *is paid into the budget.* »

That is the Government reply as to what is done with the proceeds from the State share in the various concessions and companies for the exploitation of the Domaine Privé.

We come now to what the Belgian Premier said on the subject of the Crown Domain, about which Mr. Morel says he has endeavoured to obtain information but without success. It is important and interesting :—

« The Crown Domain is *not the private* property of the King-Sovereign. It is an official

foundation the conception of which is borrowed from English public law. Not only does the Sovereign of the Independent State consider the Crown Domain as not belonging to him as his own, but he has not even reserved its administration for himself. This domain is managed by a body of three administrators. The object of this foundation is to create or to subsidise, even after the death of the King-Sovereign, works, industries, and institutions of general utility, both in Belgium and on the Congo... The King-Sovereign had the right to reserve to himself a personal domain, or to attribute to himself a civil list charged on the State budget. But it pleased him not to draw any personal profit from his rights, and if he created the Crown Domain it was to furnish the revenues for that foundation for works of public interest that he desired to see created or developed. Only in the case of the revenues of the Crown Domain exceeding the necessary expenses for the execution of the provisions made by its founder, might the excess ultimately, within the restricted limits fixed by the organic regulation, be placed by the administration at the disposal of the Sovereign. All the same the present Sovereign has decided to renounce for himself and during the continuance of his reign all participation in the benefit of this provision. »

These are the official replies to Mr. Morel's base insinuation that the profits of the exploitation of the Private Domain, and the revenue of the Crown Domain go to the King of the Belgians personally.

The civilising and humanising work already

accomplished on the Congo by the State cannot be better described than in the following passage taken from the official Bulletin for June. This statement is of such general and historical importance that I make no excuse for giving it in its entirety at the end of my own remarks.

« The work of organisation has since been pursued throughout the whole extent of the State by the more and more effective occupation of the territories;—the multiplication of posts and stations now numbering 215;—the extension of the administrative judicial and sanitary services;—the establishment of means of transport;—the creation of two lines of railway in the Lower Congo, others being in course of construction or of study in the Upper Congo;—the launching of 79 steamers and vessels on the river and its affluents;—the construction of telegraph and telephone lines over a distance of 950 miles;—the establishment of carriage routes along which the use of automobiles will put an end to the transport on men's backs;—the installation of vaccine supply institutions with the object, by the propagation of the use of vaccination, of stopping the ravages of small pox;—the establishment of systems of water supply in important centres such as Boma and Matadi;—the foundation of hospitals for whites and blacks at different stations, of Red Cross pavilions, of a bacteriological institute;—the prohibition throughout almost the entire country of the import of and traffic in spirits, and everywhere of alcoholic drinks having absinthe as their principal ingredient;—the interdiction of the trade in fire arms of precision and ammuni-

tion; – the introduction of live stock into all stations, and the establishment of model farms; —the institution of hygienic commissions charged to see to the due fulfilment of the prescriptions of public health. »

It is unnecessary to examine any further the true character of Mr. Morel's pamphlet. His facts and figures are always distorted and exaggerated. This is not done through carelessness or haste, but of malice prepense with the intention of poisoning the reader's mind against the Congo State. The evidence he adduces can never be subjected to the ordinary tests by which evidence has to be tried and verified so that its truth and value may be determined, because the material dates, names, and many of the circumstances are suppressed. The plans which he gives showing in shaded sections the different concessions are never free from inaccuracy and are sometimes quite erroneous. His statistics are garbled, and in some cases so totally incorrect as to seem the creation of his own imagination. By the side of grave accusations he places trivialities, which a moment's unbiassed consideration would show to be harmless or unmeaning, but invested with an extraneous importance by the employment of large type or italics they seem to the hasty reader to increase the number of incidents, and to add to the gravity of his principal charges. Mr. Morel toils on the principles of the old Bailey lawyer who having a bad case decided to throw mud metaphorically at his adversary in the belief that some of it would stick, and his attack on the Congo State has no higher motive than to bring about its downfall in accordance with

the adage of giving « a dog a bad name in order to hang it. »

To speak the plain truth then, Mr. Morel is undeserving of serious notice. He has not even the good faith of Mr. Fox Bourne who attacks his own countrymen with as little discrimination as he has attacked the Belgians. Still Mr. Fox Bourne fights for an idea which has always something of nobility about it, whereas Mr. Morel and his patrons want the control of the rubber trade, which, as a motive, is contemptible.

In 1897 Sir Charles Dilke first attacked the Congo State. His charges then related to the incidents of the Arab campaign which he had just read about in Captain Hinde's book, and also to the gin traffic. With regard to the former charge I have set forth the facts. With regard to gin he declared that it was the principal article of import into the Congo State, and he alleged that the State aimed at nothing less than to bring about the degeneracy of the negro race by its agency. There was not the least foundation for this charge, which subsequent events have clearly refuted. The Congo State has taken the leading part in restricting the import of alcohol into Central Africa. It was it that promoted the alcohol conference at Brussels in 1900 which almost quintupled the import duty, and brought down the import of spirits to one sixth of its former figure. I cannot find that Sir Charles Dilke has ever admitted that in making such an accusation he had committed an error.

The Congo State has beyond doubt to accomplish a most difficult task for which it needs

the moral support of the whole world and the good will of its neighbours, among whom England stands indubitably first. But if moral support is to be valuable and good will appreciated, there must be displayed a sense of fairness, a capacity for measuring the true value of evidence, and a reluctance to criticise, much less to condemn, that are conspicuously absent in the conduct and the writings of those who have brought the anti-Congolese campaign so prominently before the British public. Under different circumstances the Congo State might well have become an affiliated member of the British Empire. As the anti-Congolese party are shaping events it seems only too probable that all English advice will be regarded as coming from an enemy, proclaimed or secret, and that in the extremity of its necessities the Congo State may be induced to follow the counsels, and solicit the support of those whose chief recommendation will be that at least they are opposed to the English. If such is the final result, English statesmen will have no reason to feel proud, or satisfied with their handiwork, but the responsibility must be greatest for Sir Charles Dilke who set the initiative and led them on.

DEMETRIUS C. BOULGER.

The official reply of the Government of the Congo Independent State to the charges brought against it—taken from the « Bulletin officiel » for June 1903.

The Government of the Independent State of the Congo does not conceal from itself the gravity and the violence of the criticism of which it has latterly been the object, reproaching it with having, as much in its dealings with the natives as by its economic regime, violated the General Act of the Berlin Conference to which it is represented that the State owes its existence.

The Congo State is, by right and by fact, anterior to the Berlin Conference. It was founded before 1885 by the King of the Belgians by right of the priority of his occupations in the Congo basin, and that outside of the intervention, pecuniary or otherwise, of the Powers. Under the name of the International Association of the Congo, it concluded with the Powers Conventions on an equal footing before adhering to the

Act of the Berlin Conference, and that adhesion itself which it gave of its own sovereign initiative constituted a new affirmation of its preexistence as a State in the terms of article 37 of the General Act of the Conference.

The Berlin Act, from another side, did not stipulate for the Independent State of the Congo otherwise than it did for all the signatory Powers. It binds them all in the same manner and in the same limits, without having established for the Congo State an international statute different from that of the other States having possessions in the conventional basin of the Congo. Its sovereign prerogatives have no more restrictions than have its international obligations.

These international obligations such as they result especially from the Acts of Berlin and of Brussels, it has faithfully observed.

Conformably to articles 2 and 13 of the Berlin Act, it has assured to all flags without distinction of nationality free access to all its inland waters, and full and entire liberty of navigation. The railway established to supplement the impossibility of navigating the lower river is, in conformity with article 16, open to the traffic of all nations.

Conformably to article 3 no differential treatment exists with regard to ships as with regard to merchandise, and no tax touches foreigners, which is not equally borne by the subjects of the State as well.

Conformably to article 4 no transit duty has been established.

Conformably to article 6 liberty of conscience and the free exercice of religion are guaranteed

to the natives, foreigners, and the missions of all creeds.

Conformably to article 7 the State has adhered to the Convention of the Universal Postal Union.

Making use of the power inserted in article 10, the Congo State has proclaimed itself perpetually neutral, and in no circumstances has it failed in the duties that neutrality carries with it.

Conformably to article 12 it has made it its endeavour in case of international differences to have recourse to mediation and arbitration, and it has never refused that procedure.

The dues of import and export, in conformity with the declaration of 2nd July 1890, are levied in the limits of the tariffs fixed by the agreements of 8th April 1892 and 10th March 1902 between the State, France and Portugal.

Article 1 of the Berlin Act proclaims « that the trade of all nations shall enjoy complete freedom in the conventional basin of the Congo, » and in accordance with article 5 « neither monopoly nor favour of any kind in matters of trade » can be granted there. These texts, like the others, have been respected by the Congo State, in what is called in their letter and in their spirit.

The terms « liberty of commerce, » « monopoly in commercial matters, » have their sense well defined in the language of treaties as in the language of economics and of grammar. They have in view the freedom of the operations that constitute commerce, that is to say of buying and selling. It is necessary to reproduce, once more, the definition, many times recalled, which

the Berlin Conference itself gave of these terms :—

« No doubt whatever exists as to the strict and » literal sense which should be assigned to the term « *in commercial matters.* » It refers exclusively to » traffic, to the unlimited power of every one to sell » and to buy, to import and to export products and » manufactured articles. No privileged situation can » be created under this head, the way remains open » without any restrictions to free competition in the » domain of commerce, but the obligations of local » Governments do not go beyond that point (1). »

The deliberations of the Conference and the declarations which were made there assign this same signification to the expressions of the Berlin Act.

Liberty of commerce is complete in the Congo and is not restricted by any monopoly or privilege. Every one is free to sell or to buy all produce in which the traffic is legitimate. The law protects this liberty by forbidding any one to violate the freedom of these transactions. It punishes « whoever has employed violence or threats to compel the natives, on the ways of inland communication or in the markets, to give up their merchandise to any persons or at fixed prices (2); » it punishes « those who by violence, insults, threats shall violate the liberty of commerce with the object either of stopping caravans of commerce on the public roads, or of impeding freedom of traffic by land or water (3). »

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(1) Protocols and General Act of the Berlin Conference, 1884-1885. — Annexe II to the Protocol n° 4, p. 89.

(2) Penal Code, art. 56. (Decree of 26th May 1888. *Bulletin officiel*, 1897, p. 31.)

(3) Penal Code, art. 57. (*Idem*, p. 31.)

It is asserted that the principle of the liberty of commerce suffers by the appropriation that the Congo State has made on its territory of vacant and unowned lands. When the State in the regulation of 1st July 1885 decreed that « no » one has the right to occupy without title » vacant lands ; vacant lands must be consi- » dered as belonging to the State (1) » it referred to a principle of law universally admitted, without its being intended, as has been said, as the first stake in a premeditated policy of exclusiveness. This principle was inscribed in the codes of all civilised countries, it has been established by all colonial legislations.

Its consequence, that is to say the right of the State to dispose, to the best of the general interest, of the lands of which it has the proprietorship is not less legitimate. The Berlin Act, in its text or in its Protocols, does not restrain either the right of property on the part of individuals, or on that of bodies, or the free exercise of its use or its effects. Liberty of commerce, such as it has been defined, is in nothing exclusive of the right of property, that not being a « commercial monopoly » of the kind which the Berlin Act prohibits.

These axioms of law have been put in evidence in the consultations of Belgian and foreign jurists whose names are recognised as authorities, Messrs. Van Berchem, Van Maldeghem and De Paepe, councillors of the Cour de cassation at Brussels, Messrs. Westlake and Lord Davey of the English Bar and Bench, M. de Martens, permanent member of the

(1) *Bulletin officiel*, 1885, p. 31.

Council of the Russian Foreign Office, Mons. Barboux, advocate of the Court of Appeal at Paris, and others.

During the twenty years that the rule of the State possession of vacant lands has been inscribed in the laws of the Congo State, not one of the Powers signatory of the Berlin Act has pointed it out as being contrary to that International Act, either at the time of the publication in the Official Bulletin of the regulation of 1885, or on the occasion of any of the public applications made by the State on successive occasions either in exploiting *en regie* certain lands of the Domain with the object of assuring to the Treasury the indispensable resources or in granting concessions to certain societies for the purpose of carrying out works of general utility, or of contributing towards the public expenses.

It can be said on the contrary that the Powers which together with the Congo State are in possession of territory in the zone of commercial liberty—France, Germany, Great Britain, Portugal—have followed the same principles, and considered like it that the Berlin Act no more excluded the right of property on the part of the State than it excluded that of private individuals.

In German East-Africa the regulation of 1st September 1891 says :—

« ARTICLE FIRST. — The Government alone has the » right to take possession of vacant lands in the » limits of the German sphere of influence in East » Africa fixed by the Anglo-German Convention of » 1st July 1890, excepting for the length of the coast » strip which was formerly part of the Zanzibar sulta-

» nate, and in the provinces of Usambara, Nguru, » Usegua, Ukami, and the island of Mafia (1). »

By the prior arrangement of 20th November 1890 between the Imperial Government and the « Deutsch Ostafrikanische Gesellschaft » the vacant lands of these latter regions were already found to be assigned to that Company (2). — The produce of the exploitation of the forests throughout these territories in the terms of article 4 of the contract of 5th February 1894 was to be shared in equal halves between the Government and the Company (3).

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(1) *Verordnung betreffend Eigenthumserwerb an Grundstücken, vom* 1. *September* 1891 :

« § I. Innerhalb der deutschen Interessensphäre von Ostafrika, wie sie durch das deutsch-englische Abkommen vom 1. July 1890 festgesetz ist, mit Ausschluss des früher zum Sultanat Zanzibar gehörigen Küstenstreifens und der Landschaften Usagara, Nguru, Usega und Ukami sowie der Insel Mafia, steht das Recht, herrenloses Land in Besitz zu nehmen, allein der Regierung zu. » (*Institut colonial international*, LE RÉGIME FONCIER AUX COLONIES, t. Ier, p. 505.)

(2) *Vertrag zwischen der Reichsregierung und der Deutsch-Ostafrikanischen Gesellschaft, vom* 20. *November* 1890.

« § 7. Die Kaiserliche Regierung tritt der Gesellschaft für das Küstengebiet, dessen Zubehörungen, die Insel Mafia und das Gebiet des Schutzbriefes das ausschliessliche Recht auf den Eigenthumserwerb durch Ergreifung des Besitzes (Okkupationsrecht) an herrenlosen Grundstücken und deren unbeweglichen Zubehörungen vornehmlich also auch das Okkupationsrecht an Wäldern ab. » — « The Imperial Government cedes to the Society for the coast and the dependencies, for the isle of Mafia, and the territories affected by the Charter the exclusive right of taking possession by occupation of property without an owner, of their dependencies in land and particularly of forests. » (*Deutsche Kolonial Gesetzgebung Riebow*, p. 382.)

(3) *Vertrag zwischen der Kaiserlichen Regierung und der Deutsch-Ostafrikanischen Gesellschaft, betreffend herrenloses Land, vom* 5. *Februar* 1894.

« Die Deutsch-Ostafrikanische Gesellschaft verzichtet auf das

The regulation of the 26th November 1895 readmits the principle : —

« ARTICLE FIRST. — Under reserve of the rights of » property or of other real rights that individuals or » judicial persons, native chiefs or villages may » advance, as well as rights of occupation by third » parties resulting from contracts effected with the » Imperial Government, all land in German East » Africa is vacant land belonging to the Crown. The » ownership of it belongs to the Empire (1). »

The circular of the Imperial Governor von Liebert dated 29th April 1900 explains that :—

« by the transmission to the Empire of the sovereignty,

Okkupationsrecht an den innerhalb des Schutzgebietes (§ 7, Ziffer I des Vertrages vom 20. November 1890) liegenden, nicht in Privat- oder Gemeindeeigenthum stehenden Wäldern. Dagegen verpflichtet die Regierung sich, vom nächsten Etatsjahre, d. h. vom 1. April 1894 ab, an die Deutsche-Ostafrikanische Gesellschaft die Hälfte der durch Nutzung der gedachten Wälder, insbesondere durch Erhebung von Holzschlagebühren gewonnenen Einnahmen abzuführen... » (*Deutsche Kolonial Gesetzgebung*, VI. Teil, Seite 70.) — « The *Deutsch-Ostafrikanische Gesellschaft* renounces the right of occupation of the forests comprised in the Protectorate § 7, I, of the agreement of 20 November 1890) which are not the property of individuals or communities. On the other hand the Government engages from the issue of the next Budget, that is to say after 1st April 1894 to pay over to the *Deutsch-Ostafrikanische Gesellschaft* half the receipts produced by the exploitation of the forests in question, in particular by the collection of the taxes from cuttings... »

(1) *Allerhöchste Verordnung, vom* 26. *November* 1895.

« I. Vorbehaltlich der Eigenthumsansprüche oder sonstigen dinglichen Ansprüche, welche Private oder juristische Personen, Häuptlinge oder unter Eingeborenen bestehende Gemeinschaften nachweisen können, sowie vorbehaltlich der durch Verträge mit der Kaiserlichen Regierung begründeten Okkupationsrechte Dritter, ist alles Land innerhalb Deutsch-Ostafrica als herrenlos Kronland. Das Eigenthum daran steht dem Reiche zu. » (*Institut colonial international*. LE RÉGIME FONCIER AUX COLONIES, t. Ier, p. 573.)

» all pretensions to landed property derived from the
» sovereign rights, real or pretended, of chiefs, sul-
» tans etc., have passed to the Empire. All land
» which has not been proved to be the private property
» of an individual or of a community is to be consider-
» ed as the property of the Crown (1). »

Under the powers of the regulations of 1899 concessions have been granted in the terms taken, for example, from the acts of the concession for the Irangi society (1896) and the Gold syndicate of Usinja (1899) :—

« The Society receives the right to acquire under
» the prescriptions of the land regulation of 26th No-
» vember 1895 a superficies of 100 square kilometres,
» either by contract with the natives, or by taking
» provisional possession of vacant lands (2). »

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(1) Auszug aus dem *Runderlass des Gouverneurs von Deutsch-Ostafrica, vom* 29. *April* 1900 :

« Durch den Uebergang der Hoheitsrechte auf das Reichs ind alle Ansprüche auf Grundeigentum, die sich aus den vermeintlichen oder tatsächlichen Hoheitsrechten der Jumben, Sultane, etc., ableiteten, auf das Reich übergegangen. Alles Land, das demnach nicht nachweislich Privatbesitz einer einzelnen Person oder Gemeinschaft ist, ist als Kronland zu betrachten. » (*Deutsche Kolonial Gesetzgebung*, VI. Teil, Seite 245.)

(2) *Irangi-Bergbau- und Landkonzession, vom* 21. *Mai* 1896/25. *Juli* 1900.

« Der Gesellschaft wird das Recht eingeräumt, unter Innehaltung der Vorschriften der Landverordnung vom 26. November 1895 innerhalb der Kolonie eine Bodenfläche von 100 Quadratkilometer zu erwerben, und zwar entweder durch Verträge mit den Eingeborenen oder durch vorläufige Inbesitznahme herrenlosen Landes. Ausgeschlossen ist der Bezirk, in welchem der deutsch-ostafrikanischen Gesellschaft das Recht der Okkupation zusteht. » (*Deutsche Kolonial Gesetzgebung*, VI. Teil, Seite 131.)

Konzession für das Usinja-Goldsyndikat, vom 28. *Januar* 1899.

« § 7. Dem Syndikat wird das Recht eingeräumt, unter Innehaltung der Vorschiften der Landverordnung vom 26. November 1895 innerhalb des Landkonzessionsgebietes eine

In the Kamerun, the south east portion of which forms part of the zone of liberty of commerce, there exists a regulation of the Emperor of 15 June 1896, the first article of which (1) is identical with the first article of the regulation of 26th November 1895 for German East Africa.

The Society of the South Kamerun has obtained there, 16th January 1899, a charter of concession which grants it « the property of the » domain lands situated between the 12th degree » of West longitude, the 4th degree of North » latitude, and the political frontiers of the Ca- » meroons to the South and to the East (2). »

In the French Congo, article 19 of the order of the Government Commissioner General of 26th September 1891 decrees : —

« Waste lands and abandoned lands to the ownership » of which no one can legitimately lay claim will be » considered as belonging to the State and will form » part of the colonial Domain. They can under that » head be alienated or conceded in the terms of the

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Bodenfläche von 100 Quadratkilometer zu erwerben und zwar entweder durch Verträge mit den Eingeborenen oder durch vorläufige Inbesitznahme herrenlosen Landes. » (*Deutsche Kolonial Gesetzgebung*, VI. Teil, Seite 182.)

(1) *Allerhöchste Verordnung über die Schaffung, Besitzergreifung und Veräusserung von Kronland, vom* 15. *Juni* 1896.

« Vorbehaltlich der Eigenthumsansprüche oder sonstigen dinglichen Ansprüche, welche Private oder juristische Personen, Häuptlinge oder unter den Eingeborenen bestehenden Gemeinschaften nachweisen können, sowie vorbehaltlich der durch Verträge mit der Kaiserlichen Regierung begründeten Okkupationsrechte Dritter ist das Land innerhalb des Schutzgebietes von Kamerun als herrenlos Kronland. Das Eigenthum steht dem Reiche zu. » (*Die Deutsche Kolonial Gesetzgebung*, II. Teil, Seite 232.)

(2) P. DECHARME, *Compagnies et sociétés coloniales allemandes*, p. 266.

» 5th and following articles. Lands considered waste
» are those which are neither legally occupied nor
» utilised in reality by any one (1). »

Decrees passed in 1899 granted a totality of some forty concessions embracing almost the whole of the territory (2).

In British East Africa, the powers given by the Royal Charter, 3rd September 1888, to the Imperial British East Africa Company, whilst article 16 forbids it to grant any commercial monopoly, confer upon it the right to « concede
» all lands for a period or in perpetuity, by right
» of pledging it or otherwise. » (Article 23) (3).

After the British Protectorate was substituted for the Company, the question of vacant lands was regulated in the following manner, in accordance with the terms of the report of Mr, now Sir, H. H. Johnston, H. M's special Commissioner dated 27th April 1900 (4) :—

« The land question may now be considered as par-
» tially solved over the greater part of the Uganda
» Protectorate. Over all the more thickly-inhabited
» countries the waste or unoccupied lands belong to
» Her Majesty the Queen, having been transferred to

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(1) *Institut colonial international*, LE RÉGIME FONCIER AUX COLONIES, t. II, p. 318.

(2) *Bulletin officiel du Ministère des colonies*, année 1899, n° 8*bis*, pp. 893 and the following.

(3) Charter granted to the Imperial British East Africa Company, September 3, 1888. — « 23. The company is hereby authorized... (V) To make therein concessions of mining, forestal and other rights... (VIII) To grant any lands therein for terms or in perpetuity absolutely, or by way of mortgage or otherwise. » (Papers relating to the Mombasa Railway survey and Uganda. *Africa*, n° 4, 1892.)

(4) Preliminary report by Her Majesty's special Commissioner on the protectorate Uganda. (*Africa*, n° 6, 1900, p. 14.)

» the Crown, in most cases by agreement with the
» chiefs, after payment of indemnities; in some other
» cases, as in Unyoro, as the result of conquest... By
» Proclamation it has been forbidden to any foreigner
» to acquire land from the natives in any part of the
» Uganda Protectorate without the prior assent of the
» Uganda Administration... A large area of the King-
» dom of Uganda is guaranteed to the possession of its
» native occupants, the rest of the land, including the
» forests, has now been transferred by agreement to
» the Crown on behalf of an in trust for the adminis-
» tration of the Protectoráte Uganda. »

Finally the land regime in the Portuguese Colonies, especially in Angola, is regulated by the decree of 9th May 1901, the first article of which stipulates :—

« Are the State domain in the countries beyond the
» sea, all lands which at the date of the publication
» of this law do not constitute a private property,
» acquired according to the therms of Portuguese
» legislation (1). »

The following articles of this decree apply the principle in regulating the granting of concessions.

If it was true that the Congo State had, in proclaiming its ownership of waste lands expropriated natives, this reproach should be addressed to all these different legislations. The native in the general opinion has no real title to the ownership of this vast extent of territory

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(1) ARTIGO 1º. — São do domino do Estado, no ultramar, todos os terrenos que, á data da publicação d'esta lei, não constituam propriedade particular, adquirida nos termos de legislação purtuguesa. (Décret du 9 mai 1901. — *Diario do Governo* 11 de Maio de 1901, Nº 105.)

which from time immemorial he has left waste, nor of those forests which he has never made to bear fruit. But the Congolese law takes care to maintain the natives in the enjoyment of the lands that they occupy, and in fact not only are they not disturbed in that enjoyment, but they even extend their cultivation and their plantations in proportion with their necessities. Manifold are the measures taken by the Congo State in order to safeguard the natives against all spoliation : –

« No one has the right to dispossess the natives of » the lands which they occupy. » (Order of 1st July 1885, article 2.)

« The lands occupied by native populations under » the authority of their chiefs shall continue to be » governed by local customs and uses. » (Decree of 14th September 1886, article 2.)

« Are forbidden all acts or conventions which » would tend to expel the natives from the lands that » they occupy, or to deprive them directly or indi- » rectly of their liberty or of their means of exis- » tence. » (Decree of 14th September 1886, article 2.)

« In cases where the lands that are the subject of » the request should be partially occupied by natives, » the Governor General or his delegate will intervene » to make with them, if possible, the arrangements » assuring to the petitioner the cession or the renting » of occupied lands without the State having to bear » in this respect any financial charge. » (Decree of 9th April 1893, article 5.)

« When native villages are surrounded by alienated » or leased lands, the natives shall be able, as soon as » the official measurement has been effected, to extend » their cultivation without the consent of the pro- » prietor or the lessee over the vacant lands which » surround their villages. » (Decree of 9th April 1893, article 6.)

« The members of the Commission of lands will » specially examine whether the lands asked for » should not be reserved either for requirements » of public utility, or in view of permitting the » development of native cultivation. » (Decree of 2nd February 1898, article 2.)

The other Powers have not understood otherwise than the Congo State the obligations which are imposed upon them in this respect in favour of the natives. So the decrees of concessions in the French Congo contain in the 10th article the clause that :—

« The Society having the concession cannot exer- » cise the rights of enjoyment and exploitation which » are accorded to it except outside villages occupied » by natives, and the lands reserved to them for pur- » poses of cultivation, pasturage, or as forest. The » surroundings of these lands shall be fixed by the » decisions of the Governor of the Colony who » shall equally determine the lands over which the » natives shall preserve the rights of hunting and » fishing (1). »

In German East Africa, the regulation of the 27th November 1895, article 2, stipulated :—

« Art. 2. — If on fixed lands, chiefs, villages, or » other native communities assert rights based upon a » pretended sovereignty, or if these rights belong to » them, it will be necessary to take them into account » so far as possible, and to endeavour before anything » to arrive at a friendly arrangement in virtue of » which the territory necessary for the existence of » the community shall be reserved, and the remainder » placed at the disposal of the Government.

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(1) Article 10th of the Decrees of concession. *Bulletin officiel du Ministère des colonies*, 1899, n° 8bis, pp. 896 and the following.

» If this arrangement is not brought about, the
» Governor decides (1). »

Commenting upon this arrangement the circular of 29th April 1900 of the Imperial Governor von Liebert gives the following instructions :—

« In principle there should only be left to the
» natives the lands of which they have absolutely need
» for their system of exchange, and for the existence
» of their village communities. Nevertheless in
» order not to give rise to political complications
» care will be taken provisionally, in the practical
» execution of this rule, not to show too much rigour,
» and especially is it recommended not to extend the
» taking possession of property without an owner
» except in regions which are under a strong adminis-
» tration (2). »

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(1) « Werden auf bestimmte Landflächen Ansprüche von Häuptlinge, von Dorfgemeinden oder anderen Gemeinschaften der Eingeborenem geltend gemacht, welche auf angeblichen Hoheitsrechten beruhen, oder dem Häuptlinge oder der Dorfgemeinschaft als solchen zustehen sollen, so ist den Rechten der Eingeborenem nach Möglichkeit Rechnung zu tragen und zunächst auf eine Vereinbarung im gütlichen Wege Bedacht zu nehmen, durch welche das für das Fortbestehen der Gemeinschaft erforderliche Land ausgeschieden, der Rest aber zur Verfügung der Regierung gestellt wird.

» Soweit eine solche Vereinbarung nicht erreicht wird, entscheidet der Gouverneur. » (*Institut colonial international,* LE RÉGIME FONCIER AUX COLONIES, t. Ier, p. 582.)

(2) « Den Eingeborenen ist im Prinzip nur soviel Land zu belassen, als dieselben bei der herrschenden Wechselwirtschaft und zum Bestand ihrer Dorfgemeinschaft unbedingt nötig haben.

Um indessen nicht Anlass zu politischen Verwickelungen zu geben, sind in der tatsächlichen Durchführung dieser Grundsätze vorläufig alle Härte zu vermeiden, insbesondere wird sich eine ausgedehntere Besitzergreifung herrenlosen Landes einstweilen nur in denjenigen Gebieten empfehlen, welche unter fester Verwaltung stehen. » (*Deutsche Kolonial Gesetzgebung,* VI. Teil, Seite 244.)

The Portuguese decree of 9th May 1901 says: —

« ART. 2. — Is recognised to the natives the right » of property over lands habitually cultivated by them » which are comprised in the sphere of the conces- » sions; a certain extent of land shall be reserved for » the habitation and the agricultural work of those » residing there, and who do not devote themselves to » agriculture (1). »

These texts show that different Powers have proceeded in the same way to place the legitimate interests of the natives in accord with the general needs of colonisation.

If it is a mistake to say that the natives have been despoiled of their secular rights, it is not less untrue to declare that the policy of the State has aimed at the exclusion of private commerce for the greater advantage of its own commercial enterprises.

The same affirmation can only result from the misconception of economic facts which have followed one another in the Congo since 1885. At that date the activity of individuals was concentrated solely in the Lower Congo. The Government far from aiming at closing the Upper Congo declared its access free to the whole world. The decree of 30th April 1887 led to the establishing of commercial firms above Stanley Pool by the facilities that it gave to each of them to establish itself upon the territory of the Domain.

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(1) « ART. 2°. — É reconhecido aos indigenas o direito de propriedade dos terrenos por elles habitualmente cultivados, que sejam comprehendidos na esphera das concessóes; e será reservada uma certa area para habitação e trabalho agricola dos que ahi tenham residencia e se não dediquem á cultura. » (Décret du 9 mai 1901 : *Diario do Governo*, 11 de Maio de 1901, N° 105.)

The 6th article of this decree said :—

« The non-natives who wish to found commercial
» or agricultural establishments in regions situated
» above Stanley Pool or in other regions that the
» Governor General of the Congo shall specify even-
» tually shall be able to take possession with this
» object of a superficies, the maximum of which shall
» be fixed by the Governor General; in consideration
» of the fulfilment of the conditions that he will
» determine they shall enjoy a right of preference for
» the ulterior acquisition of the proprietorship of
» these lands at a price which he will fix beforehand. »

And article 7th added :—

« The non-natives who in the same regions shall
» wish to occupy lands of which the superficies shall
» exceed the maximum specified by the preceding
» article shall equally occupy these lands under a
» provisional title on the conditions that the Governor
» General will decide. He will decide if the right of
» preference foreseen in the preceding article shall be
» granted for a larger surface (1). »

With the view of promoting the development of commercial enterprises in the regions of the interior, the Government even accorded exemption of the export duty—the only custom dues that could then be claimed—on the native products originating in the territory above Stanley Pool :—

« From the 1st January 1888, stated article 1° of the
» regulation of 19th October 1887, and until further
» arrangement exemption shall be given in the matter
» of export duties on native produce from the State
» territories which are situated on the left bank of
» Stanley Pool and above that lake (2). »

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(1) *Bulletin officiel*, 1887, p. 72.
(2) *Idem*, 1888, p. 3.

Besides by the decree of 17th October 1889 (1) it is shown that requests can be introduced for obtaining concessions for the exploitation of rubber, and other vegetable products in the forests of the Domain of the Upper Congo where these products were not already exploited by the native populations.

The decree of 9th July 1890 abandoned exclusively to anybody the collection of ivory in the State domains throughout the whole extent of the Congo then traversed by steamers.

These dispositions were applicable to all foreign initiatives without distinction of nationality. They contradict that kind of policy of ostracism which is nowadays attributed to the State with regard to private enterprises.

It has not been in the power of the Government that the subjects of all countries should profit by this liberal treatment. They still continued to confine themselves with few exceptions to the Lower Congo. The societies which decided to push their expansion towards the central territory of the State found there every facility for the establishment of their factories, and created there the favourable situation which they enjoy there today.

Can it be considered ground of complaint against the State that it has in the presence of the almost complete inaction of individuals sought to make valuable its territories by the aid of the exploitation of its domain either by itself or by an intermediary? It was moreover the only means of assuring the indispensable resources for the Budget, the charges on which

(1) *Bulletin officiel,* 1889, p. 218.

augmented in progressive proportion to the extension of the public service, and to the endowment of the country with an economic equipment by imposing on the concession-holding companies works of public utility.

Still more is it that the Government has guarded against departing in this matter from a just middle course. When by the decree of 30th October 1892 it determined upon the regions reserved for exploitation by the Domain (those in which after inquiry it was found that natives had never given themselves up to the cultivation of the rubber plant) it continued to leave vast zones at the public disposal, and it abandoned therein to individuals the exclusive right of exploiting rubber on its property. These last mentioned zones comprise as a matter of fact more than a quarter of the vacant lands of the State, independently of all the region below Stanley Pool. Notwithstanding the societies during several years still persisted in not directing themselves towards these regions. From the commencement of 1897 only a general movement of activity set in. It was then that were installed in the Kassai, in Ikelemba, in Lulonga and on the banks of the Congo the numerous factories now existing. But it is to be noted that with one exception they were solely Belgian societies which decided to risk their capital in these enterprises and to run the risks which were inherent in them. Foreigners stood aloof from them, although it rested only with themselves to settle in those regions. Even firms long established in the Lower Congo, and especially English Houses, did not believe that the moment was propitious for the creation of busi-

ness in the Upper Congo. The remark has a general significance in that, equally in the territories given in concession, none of the concessionaire societies found itself confronted with foreign interests of earlier existence. Still stronger some interested foreigners even renounced their participation in one of the most important of them, viz the « Anglo-Belgian India-rubber and Exploration Company » which was founded by an English group.

The field of action in trade open to individuals in the Congo has never been and is not restricted; throughout the whole territory this commerce can be carried on in what is legitimate, and, in certain regions the State has even renounced the exercise of its rights of proprietorship, far as it has been from organising any excessive exploitation of the domain. To cite only one example the Dutch Society, whose exportations in 1887 reached a total of nearly £ 30,000 exported in 1901 to the value of more than £ 120,000.

It is not to be dissimulated moreover that this exploitation, legitimate in itself, was a necessity. The State, it is known, was from its commencement grappling with the difficulties of procuring the necessary ways and means. The expenses of the organisation of the State which the ordinary receipts did not provide for, added to the cost of its creation, burdened it with financial obligations of which today it is still the debtor. The expenses which the King-Sovereign imposed upon himself, aided by the support of his friends, to found the State, and after that to support it, reached the sum of nearly two millions sterling, and the debt con-

tracted by the State towards Belgium represents an additional £ 1,274,000. It is true that the King-Sovereign, in whose person is deposited the ownership of the Congo, which he has bequeathed to Belgium, has never sought for nor desired personal profit, and has even renounced his credits upon the State, but he has made that renunciation only in favour of Belgium and has stipulated that it shall be to her profit. If it should be that this stipulation cannot be realisable in these terms, the credits of the King would recover their force just as much as those of Belgium herself, independently of the fact that in law and in equity no one can be deprived of his property except for a just and previously agreed upon indemnity. The donation which the founder of the State made of his rights to Belgium could not bestruck out in its effects.

It is thanks to the resources of the Domain that the financial situation of the State has improved of late years. The receipts of the Domain, as all the other public receipts, are deposited in their integrity in the State Treasury, as the Budgets published in the *Bulletin officiel* for the years 1892 to 1903 show, and there is also paid thereto the product of the Portfolio comprising in particular the shares of different societies assigned to the State, and representing their special contribution to the public expenses under the head of their concessions.

The produce of the Domain, including the taxes in kind, out of a budget of £ 1,120,000 figures therein for a total of £ 640,000. The State has thus been able to stand on its credit, to contract the loans necessary for its public works,

to guarantee a minimum interest on the capital employed in the construction of railways, and to generally provide for its task of Government, with very moderate taxes—(direct and personal taxes produce scarcely £ 24,000, and their assessment, moderate as it is, and recently still further reduced by 50 per cent in favour of religious missions, still gives rise to recriminations)—with a tariff of import and export dues fixed within certain limits by international agreement,—and without having to solicit anew the pecuniary aid of Belgium.

The State has thus found itself able to apply itself to the realisation of the humanitarian views of the Berlin and Brussels Conferences. The results obtained in the material and moral spheres could not be entirely overlooked, so evident are they, despite a systematic *parti-pris*. The suppression of the Slave Trade in the Congo territory with its cortege of raids and murders will remain the great benefit that Africa owes to Europe. Today now that the sanguinary hours of the dominion of the slave dealers are passed, there is the pretence of forgetting the difficulties of the struggle undertaken against them by a State born on the eve of it,—the incidents of that Arab campaign of more than two years,—the successive combats that had to be fought,—the results of the final victory restoring the slaves to freedom and saving innumerable human lives.

The work of organisation has since been pursued throughout the whole extent of the State by the more and more effective occupation of the territories;—the multiplication of posts and stations now numbering 215;—the extension of

the administrative judicial and sanitary services;—the establishment of means of transport;—the creation of two lines of railway in the Lower Congo, others being in course of construction or of study in the Upper Congo;—the launching of 79 steamers and vessels on the river and its affluents;—the construction of telegraph and telephone lines over a distance of 950 miles;—the establishment of carriage routes along which the use of automobiles will put an end to the transport on men's backs;—the installation of vaccine supply institutions with the object, by the propagation of the use of vaccination, of stopping the ravages of small pox;—the establishment of systems of water supply in important centres such as Boma and Matadi;—the foundation of hospitals for whites and blacks at different stations, of Red Cross pavilions, of a bacteriological institute;—the prohibition throughout almost the entire country of the import of and traffic in spirits, and everywhere of alcoholic drinks having absinthe as their principal ingredient;—the interdiction of the trade in fire arms of precision and ammunition;—the introduction of live stock into all stations, and the establishment of model farms;—the institution of hygienic commissions charged to see to the due fulfilment of the prescriptions of public health.

With this development of general order is combined an inevitable amelioration of the native's condition of existence wherever he comes into contact with the European element. Materially, he is better lodged, clothed and fed; he replaces his huts with buildings more durable and better adapted to health require-

ments; thanks to transport facilities he provides himself with the produce necessary for his new wants; workshops are open to him where he learns manual trades such as those of a smith, carpenter, mechanic, mason; he extends his plantations, and following the example of the whites adopts rational modes of cultivating the soil; medical assistance is assured to him; he sends his children to the scholastic colonies of the State and to the schools of the missionaries. Measures have been taken to protect the individual liberty of the blacks, and particularly to prevent contracts of service between blacks and non-natives from degenerating into a disguised slavery. The decree of 8th November 1888 entered under this head into minute details concerning the length of engagements, the form of contracts, the payment of wages. The recent legislation of the French Congo, which the organs of English opinion justly praise, is inspired by the same solicitude for the natives.

It is permissible for the native to find by work the remuneration which contributes to augment his well-being. Such is, in fact, one of the ends of the general policy of the State to promote the regeneration of the race by instilling into him a higher idea of the necessity of labour. It can be imagined that Governments, conscious of their moral responsibility, do not advocate among inferior races the right to idleness and laziness with as their consequence the maintenance of an anti-civilising social state. The Congo State aims at the accomplishment of its educational mission by asking the native to contribute towards the putting in

effective use of its forests in the Domain under the form of a tax in nature for which he is remunerated; that remuneration in the budget for 1903 reaches the sum of nearly £ 120,000. The legitimacy of this exploitation of the Domain rests not only on the universal principle of the State's ownership of waste lands, but also on the cessions made to the State, peacefully and by treaty, by the local chiefs of the political and territorial rights which might have been theirs; still more on the fact that it is the State itself which has revealed to the natives, by initiating them in their exploitation, the natural riches of which they were previously ignorant, and finally that it is the State which by the planting and replanting that it has imposed on itself and on private persons assures the preservation and the perpetuity of those natural riches that would not have failed to become exhausted through the carelessness of some, and the greed of gain on the part of others.

Moreover with regard to the criticisms levelled against the present regime, what other system that the State could have established would have escaped similar criticisms? If instead of itself exploiting or of causing to be exploited a part of its dominions, it had alienated them all whether on onerous conditions or gratuitously the new holders, on account of their exclusive right to dispose of the land thus acquired, would have been, according to the logic of these critics, taxed with exercising « commercial monopolies. » On this account there would not be left any other alternative for the State, in order not to violate the Berlin Act, but that of abandoning its domains without

being able to assure there any right of property, and to give them up on what is called « the system of the sweepstakes » where the first occupier, since the property would be a forbidden monopoly, would be logically dispossessed by others who were new comers,—a system resulting at the end of the account in insecurity for all, in the devastation of the forests, and in their inevitable and rapid disappearance, and destroying all possibility for the whites on the Congo to preserve the legitimate fruits of their labour. And it is desired to impose upon the State this unprecedented upset at the moment when the most remarkable statesmen are seeking in the commercial sphere for the most favourable measures for their own countrymen.

The system of the State at the same time that it hastens the economic development of the country has given rise to a considerable commercial movement, since the exports now show a value of two millions sterling, and that there are sold at Antwerp every year 5,000 tons of rubber taken from the forests of the Congo.

No matter what has been said, this prosperity has not been attained by any detriment to the lot of the native. It has been sustained that the native populations find themselves of necessity badly treated because they are subjected on one hand to military service and on the other to certain taxes.

Military service no more constitutes slavery in the Congo than it does in any country where the system of the conscription exists. The recruiting and the organisation of the public force are the subject of minute legislative enactments to prevent abuses. After all mili-

tary service does not weigh heavily on the population from which it asks only one man in every ten thousand. To deal with the errors that obtain credit on the subject of the « Public Force, » it may be said once more that it is exclusively composed of regular troops, and that « irregular levies » formed from undisciplined and savage elements do not exist. Care has been taken to remove gradually the posts of black soldiers, and at the present time all the military posts are under the command of white officers. The increased number of agents permits the embodiment everywhere of European elements with the detachments of the Public Force.

As to the taxes « en nature » that the authorities ask from the natives this collection is as legitimate as any other kind of tax. It does not impose upon the native any obligations of a different nature or heavier than the system of different taxes in use in the neighbouring colonies, such as the hut tax. It is the participation of the native in the public charges in exchange for the protection given him by the State, and this participation is light seeing that it represents on an average no more than 40 hours of labour for the native in a month.

Acts of violence have unhappily been committed on the natives in the Congo as generally throughout Africa; the Congo State has never denied nor concealed them. The *parti-pris* of the detractors of the State is revealed by their representing these facts as the inevitable consequence of a bad system of administration, or by their declaring that the Government has tolerated them. Those Europeans who have been

found guilty of these acts have been punished by the tribunals, and a certain number of them are actually paying in the prisons of the State for their breaches of the penal laws that protect the lives and persons of the natives. These cases have been exceptional if allowance be made for the extent of the territory, and the proof is shown in the recent publications against the Congo State which have been obliged, in order to prop up their accusation, to take up facts going back almost ten years, and even to have recourse to, among other testimonies, that of a commercial agent who was himself condemned for ill-treating the blacks. It is a fact worthy of note that the Catholic missionaries have never pointed out this general system of cruelty imputed to the State, and if judicial statistics show the rigour of the repressive tribunals it is not to be deduced therefrom that there are more numerous criminal cases in the Congo than in other colonies of Central Africa. To read the conclusions of foreign polemical writers of late it clearly seems that the accusations made against the State form part of a concerted programme in view of the object pursued, and it is in the order of things that the promoters of the campaign will continue to cast discredit on the State as long as they have not attained the object that they aim at in their writings. Public opinion has allowed itself to be moved by exaggerations and generalisations skilfully arranged. From this biassed opinion, it is necessary to appeal to impartial opinion, which, basing its judgments on a calm and well reasoned examination of all the elements in the case, will appreciate the

whole of the work in a spirit of justice, and will not refuse its sympathy to efforts which have already led to incontestably satisfactory results.

The Congo State has no delusions as to the difficulties of its task, difficulties inherent in the situation of barbarism which existed in the heart of Africa at the moment of its appearance, and now aggravated beyond doubt by the opposition it encounters upon several sides, an opposition of which the motives can be found in the very circumstances which have led to its birth and increase. As long as the Congo State was obliged to receive from its founder or from Belgium the assistance necessary for its maintenance, this opposition did not exist. It has revealed itself in an increasingly intense form as the State continued to consolidate itself, as its administration was strengthened and improved, as its revenues increased, and today, now that the State suffices for itself, and that its resources are even exaggerated, the opposition mounts to a paroxysm beyond control, multiplying accusations and calumnies, and calling for the most violent solutions.

This campaign, however, will not tarnish those twenty years of devotion, of sacrifices, and occasionally of heroism, during which the Belgians have worked and suffered in Africa. They were Belgians, those men who marked with their bones that ancient caravan route which has become today a railroad; they were Belgians, those men who fought, in the heart of Africa, the slave trade and the man-hunters; they were Belgians, those men who for years past have given their lives to spread civilisation

and commerce in the Congo. Let it not be forgotten that their martyrology is counted by hundreds of victims and that it is of their own blood that they were not sparing, those who are now represented as the torturers and assassins of the blacks!
